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Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

By: Dale B. Schenk

In re application of:

SCHENK, Dale B.

Application No.: Filed Herewith

Filed: Herewith

For: PREVENTION AND TREATMENT
OF AMYLOIDOGENIC DISEASE

Customer No.: 20350

Examiner: Unassigned

Technology Center/Art Unit: Unassigned

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97 and §1.98

Sir:

The references cited on the attached PTO/SB/08A and PTO/SB/08B forms are being called to the attention of the Examiner. In accordance with 37 CFR §1.98(d), copies of the references can be found in Application No. 09/201,430, filed November 30, 1998 (Attorney Docket No. 15270J-004720US), with the exception of reference numbers 407-435, copies of which are attached. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

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The attached PTO/SB/08B form cites "Grant Application; Raso, Immunology of Alzheimer's Disease', 1/1998," as cite no. 304. Cite no 304 was cited by the Examiner in Application No. 09/579,690. Application No. 09/579,690 is a commonly owned copending application directed to subject matter related to the instant application. Applicant believes "1/1998" is not the publication date as alleged by the Examiner, but refers to the grant funding cycle. Applicants' further believe the date of public accessibility, if any, is unknown. Applicant wishes to bring to the Examiner's attention that a copy of a grant application believed to have been submitted by Victor Raso for NIH Grant 1 R43 AGI 5746-01 on August 29, 1997 is cited in the attached PTO/SB/08B form as Cite 144. Cite no. 144 is a redacted version of cite no. 304. Applicant obtained cite no. 144 under the Freedom of Information Act (FOIA). It is believed that the grant proposal would not have been accessible under FOIA before April 2, 1998, but the exact date of public accessibility, if any, is not known to Applicant.

The Assignee of the instant application is a licensee of U.S. Patent No. 5,688,651, which is directed in part to subject matter related to the instant application. U.S. Patent No. 5,688,651 is now undergoing examination reissue as Application No. 09/441,140. U.S. Patent No. 5,688,651 and U.S. Application No. 09/441,140 are submitted herewith as Cite Nos. 16 and 283, respectively.

Applicant also cites commonly owned copending applications directed to related subject matter:

09/201,430 filed 11/30/98;
09/497,553 filed 02/03/00;
09/724,477 filed 11/28/00;
09/723,927 filed 11/28/00;
09/724,762 filed 11/28/00;
09/724,102 filed 11/28/00;
09/724,489 filed 11/28/00;

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09/322,289 filed 05/28/99;
09/723,713 filed 11/27/00;
09/723,760 filed 11/27/00;
09/724,319 filed 11/27/00;
09/723,384 filed 11/27/00;
09/724,495 filed 11/27/00;
10/429,216 filed 05/30/03;
09/580,015 filed 05/26/00;
09/724,940 filed 11/28/00;
09/724,961 filed 11/28/00;
09/580,018 filed 05/26/00;
09/724,552 filed 11/28/00;
09/723,544 filed 11/28/00;
09/724,273 filed 11/28/00;
09/724,551 filed 11/28/00;
09/724,288 filed 11/28/00;
09/580,019 filed 05/26/00;
09/723,765 filed 11/28/00;
09/724,291 filed 11/28/00;
09/204,838 filed 12/03/98;
09/724,929 filed 11/28/00;
09/585,817 filed 06/01/00;
09/724,567 filed 11/28/00;
09/724,575 filed 11/28/00;
09/724,953 filed 11/28/00;
09/724,570 filed 11/28/00;
09/585,656 filed 06/01/00;
09/723,766 filed 11/27/00;
09/723,725 filed 11/27/00;
09/579,690 filed 05/26/00;

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09/979,701 filed 03/13/01 (U.S. National Stage of PCT/US00/14810 filed 05/26/00);

09/979,952 filed 04/04/02 (U.S. National Stage of PCT/US00/15239 filed 06/01/00);

and,

09/980,568 filed 03/12/02 (U.S. National Stage of PCT/US00/15302 filed 06/01/00).

Applicant also cites the following copending applications directed to related subject matter but subject to different assignment:

10/010,942 filed 12/06/01;

10/232,030 filed 08/30/02;

10/388,389 filed 03/12/03;

60/444,150 filed 02/01/03;

10/388,214 filed 03/12/03; and,

60/474,654 filed 05/30/03.

Applicant further cites the following commonly owned abandoned applications directed to related subject matter:

60/067,740 filed 12/02/97;

60/080,970 filed 04/07/98;

60/067,219 filed 12/03/97;

60/079,697 filed 03/27/98;

09/724,921 filed 11/28/00;

60/137,010 filed 06/01/99;

60/137,047 filed 06/01/99; and,

60/136,655 filed 05/28/99.

Applicant also cites the following abandoned application directed to related subject matter but subject to different assignment:

60/251,892 filed 12/06/00; and,

60/363,751 filed 03/12/02.

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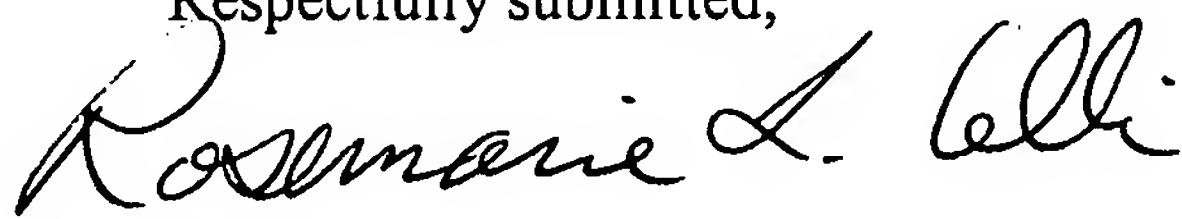
Applicant points out that the following applications are now commonly assigned but were previously subject to different assignment than the present application:

60/067,219 filed 12/03/97;
60/079,697 filed 03/27/98;
09/204,838 filed 12/03/98;
09/724,921 filed 11/28/00; and,
09/724,929 filed 11/28/00.

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information, and no inference should be made that the information and references cited are, or are considered to be material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Rosemarie L. Celli
Reg. No. 42,397

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60173955 v1

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

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Complete if Known

Application Number	
Filing Date	Herewith
First Named Inventor	Schenk
Art Unit	
Examiner Name	

Attorney Docket Number

15270J-004738US

U.S. PATENT DOCUMENTS

Examiner	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	415	2003/0166558 A1	09-04-2003	Frangione et al.	
	431	2003/0165496 A1	09-04-2003	Basi et al.	
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	379	2002/0132268 A1	09-19-2002	Chang et al.	
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	325	2001/0102261 A1	08-01-2002	Raso	
	362	2002/0094335 A1	07-18-2002	Chalifour et al.	
	306	6,417,178 B1	07-09-2002	Klunk et al.	
	376	2002/0086847 A1	07-04-2002	Chain	
	405	6,399,314 B1	06-04-2002	Krishnamurthy	
	342	2002/0009445 A1	01-24-2002	Du et al.	
	267	6,294,171 B2	09-25-2001	McMichael	
	416	6,303,567 B1	10-16-2001	Findeis et al.	
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	401	6,284,533 B1	09-04-2001	Thomas	
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	300	2001/0018053 A1	08-30-2001	McMichael	
	230	6,262,335 B1	07-17-2001	Hsiao et al.	
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	231	6,114,133	09-05-2000	Seubert et al.	
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	221	5,989,566	11-23-1999	Cobb et al.	
	417	5,985,242	11-16-1999	Findeis et al.	

Examiner
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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STATEMENT BY APPLICANT

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Sheet

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Application Number

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First Named Inventor

Art Unit

Examiner Name

Herewith

Schenk

15270J-004738US

	2	5,958,883	09-28-1999	Snow	
	3	5,955,317	09-21-1999	Suzuki et al.	
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	346	5,935,927	08-10-1999	Vitek et al.	
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	382	5,846,533	12-08-1998	Prusiner	
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	373	5,721,130	02-24-1998	Seubert et al.	
	16	5,688,651	11-18-1997	Solomon	
	17	5,679,348	10-21-1997	Nesburn et al.	
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Schenk

Art Unit

Examiner Name

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Examiner	Cite No. ¹	Document Number Number Kind Code ² (if known)	Filing Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	296	60/254,465	12-08-2000	Holtzman et al.	
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	305	09/724,842	11-28-2000	Chalifour et al.	
	295	60/184,601	02-24-2000	Holtzman et al.	
	282	60/169,687	12-08-1999	Chain	
	242	60/168,594	11-29-1999	Chalifour et al.	
	283	09/441,140	11-16-1999	Solomon et al.	
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Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
343	EP	1 172 378	A1		01-16-2002			

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Schenk

Attorney Docket Number

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Sheet

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First Named Inventor	Schenk
Art Unit	
Examiner Name	

Attorney Docket Number

15270J-004738US

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54	WO	99/60021	A2	11-15-1999			
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OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
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	393	AKIYAMA et al., "Inflammation and Alzheimer's disease," <u>Neurobiology of Aging</u> , 21:383-421 (2000).	
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